

Daryl Fallas  
77 Parker Avenue  
Deal, NJ 07723  
732-539-9025

CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEW JERSEY  
RECEIVED

2012 OCT 12 AM 11 36

October 11, 2012

Clerk, U.S. District Court  
402 E. State Street, Room 2020  
Trenton, NJ 08608

Re: Case Name: FALLAS v. SCHACHTER PORNOY, LLC / CAVALRY SPV I, LLC  
Case Number: 3:12-cv-05664-PGS-DEA

Dear Clerk:

Please file the attached **RESPONSE TO DEFENDANT CAVALRY SPV I, LLC'S  
OPPOSITION TO PLAINTIFF'S MOTION TO REMAND.**

Please call me at the above number with any questions or concerns.

Thank you.

Very truly yours,



Daryl Fallas  
Plaintiff (PRO SE)

Re: Case Name: FALLAS v. SCHACHTER PORNOY, LLC / CAVALRY SPV I, LLC  
Case Number: 3:12-cv-05664-PGS-DEA

**RESPONSE TO DEFENDANT CAVALRY SPV I, LLC'S OPPOSITION TO  
PLAINTIFF'S MOTION TO REMAND**

This Court lacks jurisdiction in this matter for the reasons already stated along with evidence provided this Court in previous filings and supplied in this response as well, attached hereto as follows:

**FACTS**

1. According to Schachter Portnoy, LLC's collection letter to me dated November 14, 2011, Cavalry SPV I, LLC retained Schachter Portnoy, LLC as their attorney. Attached hereto as Exhibit "A".
2. As their attorney, Schachter Portnoy, LLC had the legal right to collect money and handle all aspects of the account in question; including receiving legal documents. Exhibit "A" directs me to make check payable to their Attorney Trust Account.
3. The Summons clearly shows those to be served as Schachter Portnoy, LLC and Cavalry SPV I, LLC and was filed in the Sheriff's office on July 13, 2012. Attached hereto as Exhibit "B".
4. The Sheriff's Deputy first attempted service on July 19, 2012 but was told by the gardener that they moved. Attached hereto as Exhibit "C".
5. After my obtaining their exact location from their local post office and relaying it to the Deputy, two identical copies of Summons and Complaint were served, one copy each for Schachter Portnoy, LLC and Cavalry SPV I, LLC, to the office of record, as on their collection letter, of Schachter Portnoy, LLC on July 25, 2012. Both attached as Exhibit "D". I can only guess as to why the Sheriff's Department wrote down that it was served to Cavalry Portfolio Services, but it clearly shows the Defendant is Cavalry SPV I, LLC in the heading and it's obvious the Summons they served was to Cavalry SPV I, LLC; proof of which is Exhibit "B".
6. I subsequently learned about the TAN and noticed I did not receive one by the court. I contacted the court to asked the clerk about it. She informed me it was clerical error. They finally created one, filed it on August 16, 2012 and sent me a copy. Attached as Exhibit "E".

7. I received the TAN from the court and mailed it to the Sheriff's Department with instructions for service on August 20, 2012. Attached as Exhibit "F" with proof of mailing marked Exhibit "G".

8. Service of TAN was made on both Cavalry SPV I, LLC and Schachter Portnoy, LLC on August 23, 2012. Attached as Exhibits "H"

9 As for Defendant Cavalry SPV I, LLC's claim that only this Court has jurisdiction over claims concerning the FDCPA, it specifically states the following:

**§ 813. Civil liability [15 USC 1692k]**

**(d) An action to enforce any liability created by this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within one year from the date on which the violation occurs.**

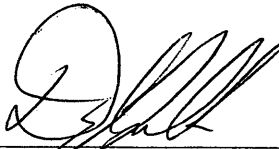
**CONCLUSION**

I respectfully submit to this Honorable Court that it lacks jurisdiction in the subject matter of this case for reasons previously submitted in addition to the aforementioned stated facts which directly contradicts Defendant Cavalry SPV I, LLC's facts in their Brief in Opposition to Plaintiff's Motion to Remand and respectfully request this case be immediately remanded to the originating state court.

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are intentionally false, I am subject to punishment.

Dated: 10-11-12

Signed: \_\_\_\_\_

  
Daryl Fallas (pro se)

**SCHACHTER PORTNOY, L.L.C.**

ATTORNEYS AT LAW

3490 U.S. ROUTE 1

PRINCETON, NJ 08540

TEL: (888) 454-3111 (609) 514-0999

FAX: (609) 514-1599

~~HOWARD SCHACHTER\*~~

~~DARIN S. PORTNOY\*\*~~

SUSAN G. STEINMAN\*\*<sup>o</sup>

Of Counsel

~~STEVEN I. GREENBERG~~

~~KAPEIL MISIR\*~~

KORTNEY SWANSON DAVIS

CRAIG FAYE<sup>v</sup>

\*ALSO ADMITTED IN NY

<sup>o</sup>ALSO ADMITTED IN PA

<sup>o</sup>ALSO ADMITTED IN OR & WA

<sup>v</sup>ONLY ADMITTED IN NY

November 14, 2011

DARYL FALLAS  
77 PARKER AVE  
DEAL NJ 07723-1238

Re: Our Client/Creditor: CAVALRY SPV I, LLC, as assignee of MBNA/FIA CARD SERVICES, N.A.

Amount of Debt: \$5,648.97 as of above date

Our File Number: G1107327

Dear DARYL FALLAS:

This law firm has been retained by the above-named creditor to collect the outstanding balance on your account. Our client requests that you send payment in full. Please make your check payable to Schachter Portnoy, LLC Attorney Trust Account and send payment to Schachter Portnoy, LLC, 3490 US Route 1, Princeton, New Jersey 08540. If you cannot send payment in full, it is possible that a payment plan could be arranged. Please contact this office to make arrangements for payment.

**Disclosure**

You are hereby notified that this firm is acting as a debt collector in this matter. We are attempting to collect a debt and any information obtained will be used for that purpose. Unless within 30 days after your receipt of this notice, you dispute the validity of the debt or any portion thereof, we will assume the debt to be valid. If you notify us in writing within the 30-day period after your receipt of this notice that you dispute the debt, or any portion thereof, we will obtain verification of the debt, or if the debt is founded upon a judgment, a copy of the judgment, and a copy of such verification or judgment will be mailed to you by us. Upon your written request within 30 days after receipt of this notice, we will provide you the name and address of the original creditor, if different from the current creditor.

Very truly yours,

Steven I. Greenberg, Esq.  
For the Firm

MMB a101a

EXHIBIT "A"

**RECEIVED  
SHERIFF'S OFFICE**

JUL 13 2012

MERCER COUNTY COURTHOUSE  
TRENTON, NEW JERSEY

Attorney(s) Daryl Fallas  
 Office Address 77 Parker Ave  
 Town, State, Zip Code Deal, NJ 07723  
 Telephone Number (732) 539-9025  
 Attorney(s) for Plaintiff Daryl Fallas

Daryl Fallas

Plaintiff(s)

Vs.

Cavalry SPV I, LLCSchachter Portnoy, LLC

Defendant(s)

**Superior Court of  
New Jersey**

Mercer

COUNTY

Civil - Law

DIVISION

Docket No:

L-1632-12**CIVIL ACTION  
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:


The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated:

7/12/12

  
 Jennifer M. Perez,  
 Acting Clerk of the Superior Court

Name of Defendant to Be Served: Cavalry SPV I, LLC / Schachter Portnoy, LLCAddress of Defendant to Be Served: 3490 U.S. Route 1, PRINCETON, NJ 08540NOTE: The Case Information Statement is available at <http://www.njcourtsonline.com>

EXHIBIT "B"



**JOHN A. KEMLER**  
SHERIFF

# Office of the Sheriff Sheriff's Return Of Service



MERCER COUNTY CIVIL COURT HOUSE  
175 SOUTH BROAD STREET  
P.O. Box 8068  
TRENTON, NEW JERSEY 08650-0068  
TELEPHONE: (609) 989-6100  
FAX: (609) 278-8041

**12003956**

UNDERSHERIFFS  
JAMES P. TAYLOR  
DONALD E. ELLISON  
PEDRO MEDINA

ASSISTANT TO THE SHERIFF  
CATHLEEN G. GARTON

CHIEF SHERIFF'S OFFICER  
RICHARD S. PIOTROWSKI

CHIEF WARRANT OFFICER  
BRIAN D. AMANTIA

PLAINTIFF DARYL FALLAS

DOCKET # L-1632-12

DEFENDANT CAVALRY SPV I LLC

I SERVED THE FOLLOWING PAPERS: **SUMMONS & COMPLAINT** ON THE WITHIN-NAMED  
DEFENDANT IN MERCER COUNTY, NEW JERSEY

SERVICE NAME	SERVED	NOT-SERVED	DATE	TIME	ADDRESS	SERVICE INFO
SCHACHTER PORTNOY		I	7/19/12	1200	3490 ROUTE 1 PRINCETON, NJ 08540	

STATE OF NEW JERSEY  
COUNTY OF MERCER

I, JOHN A. KEMLER, SHERIFF  
of said County do hereby  
deputize and appoint

to be my deputy, to execute and  
return the writ according to law.

Witness my hand and seal this 19  
day of July A.D. 2012.

- \* Type of Service
- A Personal Service
- B Household member over the age of 14 years, at usual place of abode
- C Served person authorized to accept service/Managing agent
- D Unable to locate, unknown at address given
- E Address Out of County
- F Avoiding service, made many attempts
- G Affixed
- H Certified Mail
- I Other mailed

**JOHN A. KEMLER**  
Sheriff (L.S.)

Sheriff's Fee \$24.00

JOHN A. KEMLER, SHERIFF, by

Special Deputy



**JOHN A. KEMLER**  
SHERIFF

# Office of the Sheriff Sheriff's Return Of Service



MERCER COUNTY CIVIL COURT HOUSE  
175 SOUTH BROAD STREET  
P.O. Box 8068  
TRENTON, NEW JERSEY 08650-0068  
TELEPHONE: (609) 989-6100  
FAX: (609) 278-8041

12003956

UNDERSHERIFFS  
JAMES P. TAYLOR  
DONALD E. ELLISON  
PEDRO MEDINA

ASSISTANT TO THE SHERIFF  
CATHLEEN G. GARTON

CHIEF SHERIFF'S OFFICER  
RICHARD S. PIOTROWSKI

CHIEF WARRANT OFFICER  
BRIAN D. AMANTIA

PLAINTIFF DARYL FALLAS

DOCKET # L-1632-12

DEFENDANT CAVALRY SPV I LLC

I SERVED THE FOLLOWING PAPERS: **SUMMONS & COMPLAINT** ON THE WITHIN-NAMED  
DEFENDANT IN MERCER COUNTY, NEW JERSEY

SERVICE NAME	SERVED	NOT-SERVED	DATE	TIME	ADDRESS	SERVICE INFO
SCHACHTER PORTNOY	C		7/25/12	1055	3490 ROUTE 1 PRINCETON, NJ 08540	Darrin Portnoy atty

STATE OF NEW JERSEY  
COUNTY OF MERCER

I, JOHN A. KEMLER, SHERIFF  
of said County do hereby  
deputize and appoint

to be my deputy, to execute and  
return the writ according to law.

Witness my hand and seal this 25  
day of July A.D. 2012.

- \* Type of Service
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- D Unable to locate, unknown at address given
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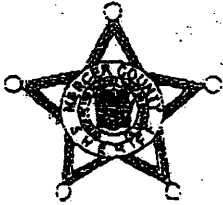
**JOHN A. KEMLER**  
Sheriff (L.S.)

Sheriff's Fee \$24.00

JOHN A. KEMLER, SHERIFF, by

*[Signature]*  
Special Deputy





**JOHN A. KEMLER**  
SHERIFF

# Office of the Sheriff Sheriff's Return Of Service



MERCER COUNTY CIVIL COURT HOUSE  
175 SOUTH BROAD STREET  
P.O. Box 8068  
TRENTON, NEW JERSEY 08650-0068  
TELEPHONE: (609) 989-8100  
FAX: (609) 278-8041

**12003956**

UNDERSHERIFFS  
JAMES P. TAYLOR  
DONALD E. ELLISON  
PEDRO MEDINA

ASSISTANT TO THE SHERIFF  
CATHLEEN G. GARTON

CHIEF SHERIFF'S OFFICER  
RICHARD S. PIOTROWSKI

CHIEF WARRANT OFFICER  
BRIAN D. AMANTIA

PLAINTIFF DARYL FALLAS

DOCKET # L-1632-12

DEFENDANT CAVALRY SPV I LLC

I SERVED THE FOLLOWING PAPERS: SUMMONS & COMPLAINT ON THE WITHIN-NAMED  
DEFENDANT IN MERCER COUNTY, NEW JERSEY

SERVICE NAME	SERVED	NOT-SERVED	DATE	TIME	ADDRESS	SERVICE INFO
CAVALRY PORTFOLIO SERVICES	C		7/25/12	1055	3490 ROUTE 1 PRINCETON, NJ 08540 St 6	Darrien Portney atty

STATE OF NEW JERSEY  
COUNTY OF MERCER

I, JOHN A. KEMLER, SHERIFF  
of said County do hereby  
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to be my deputy, to execute and  
return the writ according to law.

Witness my hand and seal this 25  
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- G Affixed
- H Certified Mail
- I Other

**JOHN A. KEMLER**  
Sheriff (L.S.)

Sheriff's Fee \$24.00

JOHN A. KEMLER, SHERIFF, by

*[Signature]* Special Deputy

SC RR return

EXHIBIT D



MERCER COUNTY COURTHOUSE  
CIVIL CASE MANAGEMENT OFFICE  
175 SOUTH BROAD ST P O BOX 8068  
TRENTON NJ 08650-0068

TRACK RE-ASSIGNMENT NOTICE

COURT TELEPHONE NO. (609) 571-4490  
COURT HOURS

DATE: AUG 16 2012  
RE: FALLAS VS CAVALRY SPV I LLC AND SCHÄCHTER PORTNOY  
DOCKET: MER L -001632 12

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON DOUGLAS H. HURD

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 050  
AT: (609) 571-4432.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:5A-2.

ATTENTION:

DARYL FALLAS  
77 PARKER AVE  
DEAL NJ 07723

JUWWARO

EXHIBIT "E"

Daryl Fallas  
77 Parker Avenue  
Deal, NJ 07723  
732-539-9025

August 20, 2012

Office of the Sheriff  
Attn: Deborah  
P.O. Box 8068  
Trenton, NJ 08650

Re: Daryl Fallas v. Cavalry SPV I, LLC and Shachter Portnoy, LLC  
**Reference No.: 12-3956**

Dear Deborah:

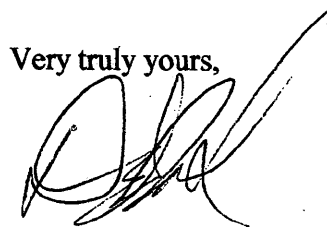
As per our phone conversation on August 2, 2012, enclosed are two copies of the TAN that was erroneously excluded by the court.

Please serve on the above defendants. As a reminder, it's Shachter Portnoy's offices in building #6 which is the first building on the right heading north.

Please feel free to call me at the above number with any questions or concerns.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Daryl Fallas', written over a horizontal line.

Daryl Fallas

EXHIBIT "F"

TAN TO SHERIFF CAVALRY

=====

DEAL POST OFFICE  
DEAL, New Jersey  
077239998  
3356870442-0097  
08/20/2012 (732)531-0610 02:17:30 PM

=====

===== Sales Receipt =====

Product Description	Sale Unit Qty	Price	Final Price
---------------------	---------------	-------	-------------

=====

TRENTON NJ 08650			\$0.45
Zone-1 First-Class Letter			
0.70 oz.			

Issue PVI: \$0.45

Total: \$0.45

Paid by:  
MasterCard \$0.45  
Account #: XXXXXXXXXXXX7085  
Approval #: 048470  
Transaction #: 738  
23902921675

Order stamps at [usps.com/shop](http://usps.com/shop) or  
call 1-800-Stamp24. Go to  
[usps.com/clicknship](http://usps.com/clicknship) to print  
shipping labels with postage. For  
other information call  
1-800-ASK-USPS.

\*\*\*\*\*  
\*\*\*\*\*  
Get your mail when and where you  
want it with a secure Post Office  
Box. Sign up for a box online at  
[usps.com/poboxes](http://usps.com/poboxes).  
\*\*\*\*\*  
\*\*\*\*\*

Bill#:1000300942348  
Clerk:02

All sales final on stamps and postage  
Refunds for guaranteed services only  
Thank you for your business

\*\*\*\*\*  
\*\*\*\*\*  
HELP US SERVE YOU BETTER

Go to:  
<https://postalexperience.com/Pos>

TELL US ABOUT YOUR RECENT  
POSTAL EXPERIENCE

YOUR OPINION COUNTS  
\*\*\*\*\*  
\*\*\*\*\*

EXHIBIT G



**JOHN A. KEMLER**  
SHERIFF

# Office of the Sheriff Sheriff's Return Of Service



MERCER COUNTY CIVIL COURT HOUSE  
175 SOUTH BROAD STREET  
P.O. Box 8068  
TRENTON, NEW JERSEY 08650-0068  
TELEPHONE: (609) 989-6100  
FAX: (609) 278-8041

**12003956**

UNDERSHERIFFS  
JAMES P. TAYLOR  
DONALD E. ELLISON  
PEDRO MEDINA

ASSISTANT TO THE SHERIFF  
CATHLEEN G. GARTON

CHIEF SHERIFF'S OFFICER  
RICHARD S. PIOTROWSKI

CHIEF WARRANT OFFICER  
BRIAN D. AMANTIA

PLAINTIFF DARYL FALLAS

DOCKET # L-1632-12

DEFENDANT CAVALRY SPV I LLC

I SERVED THE FOLLOWING PAPERS: **SUMMONS & COMPLAINT** ON THE WITHIN-NAMED  
DEFENDANT IN MERCER COUNTY, NEW JERSEY

SERVICE NAME	SERVED	NOT-SERVED	DATE	TIME	ADDRESS	SERVICE INFO
CAVALRY PORTFOLIO SERVICES	C		8-23-12	1327	3490 ROUTE 1 PRINCETON, NJ 08540	Jung Schachter

STATE OF NEW JERSEY  
COUNTY OF MERCER

I, JOHN A. KEMLER, SHERIFF  
of said County do hereby  
deputize and appoint

to be my deputy, to execute and  
return the writ according to law.

Witness my hand and seal this 23  
day of Aug A.D. 2012.

- \* Type of Service
- A Personal Service
- B Household member over the age of 14 years, at usual place of abode
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- D Unable to locate, unknown at address given
- E Address Out of County
- F Avoiding service, made many attempts
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- I Other

**JOHN A. KEMLER**  
Sheriff (L.S.)

Sheriff's Fee \$24.00

JOHN A. KEMLER, SHERIFF, by

Special Deputy

EXHIBIT (H)



**JOHN A. KEMLER**  
SHERIFF

# Office of the Sheriff Sheriff's Return Of Service



MERCER COUNTY CIVIL COURT HOUSE  
175 SOUTH BROAD STREET  
P.O. Box 8068  
TRENTON, NEW JERSEY 08650-0068  
TELEPHONE: (609) 989-6100  
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**12003956**

UNDERSHERIFFS  
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ASSISTANT TO THE SHERIFF  
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CHIEF SHERIFF'S OFFICER  
RICHARD S. PIOTROWSKI

CHIEF WARRANT OFFICER  
BRIAN D. AMANTIA

PLAINTIFF DARYL FALLAS

DOCKET # L-1632-12

DEFENDANT CAVALRY SPV I LLC

I SERVED THE FOLLOWING PAPERS: **SUMMONS & COMPLAINT** ON THE WITHIN-NAMED DEFENDANT IN MERCER COUNTY, NEW JERSEY

SERVICE NAME	SERVED	NOT-SERVED	DATE	TIME	ADDRESS	SERVICE INFO
SCHACHTER PORTNOY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8-23-12	1327	3490 ROUTE 1 BUILDING #6 PRINCETON, NJ 08540	Jana Schachter

STATE OF NEW JERSEY  
COUNTY OF MERCER

I, JOHN A. KEMLER, SHERIFF  
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agent

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G Affixed

H Certified Mail

I Other

**JOHN A. KEMLER**  
Sheriff (L.S.)

Sheriff's Fee \$24.00

JOHN A. KEMLER, SHERIFF, by

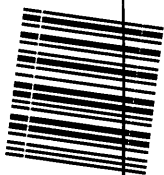
*[Signature]*  
Special Deputy

Daryl Fallas  
77 Parker Avenue  
Deal, NJ 07723



UNITED STATES  
POSTAL SERVICE

1000



08608

U.S. POSTAGE  
PAID  
DEAL, NJ  
07723  
OCT 11, 12  
AMOUNT

**\$0.85**

00047944-04

Clerk, U.S. District Court  
402 E. State Street, Room 2020  
Trenton, NJ 08608

